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7 Attorneys for Plaintiff  
8 INTEL CORPORATION  
9

10 **IN THE UNITED STATES DISTRICT COURT**  
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
12

13  
14 INTEL CORPORATION, a Delaware  
corporation,

15 Plaintiff,

16 vs.  
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18 VITAL INTEL, INC., a Delaware corporation,

19 Defendant.  
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Case No.

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

1 Plaintiff Intel Corporation (“Intel”) alleges as follows:

2 1. This action arises from unauthorized use of the trade name and trademark VITAL  
3 INTEL in connection with database management solutions, website development services, customer  
4 relationship management services, and online marketing and advertising services by Defendant Vital  
5 Intel, Inc. (“Vital Intel”).

6 2. By using a trade name and trademark that wholly incorporate and emphasize the world  
7 famous INTEL<sup>®</sup> trademark, Vital Intel’s acts are causing, and/or will likely cause, confusion that Intel  
8 is the source or sponsor of Vital Intel’s goods and services, or that there is an association or affiliation  
9 between Intel and Vital Intel. In addition, Vital Intel’s acts are causing, and/or will likely cause,  
10 dilution of the INTEL<sup>®</sup> trademark. Consequently, Intel seeks injunctive relief and damages under the  
11 federal Lanham Act (15 U.S.C. §§ 1051, *et seq.*), the California Business and Professions Code, and  
12 the common law doctrines of passing off and unfair competition.

### 13 **I. JURISDICTION**

14 3. This Court has personal jurisdiction over Vital Intel because, on information and belief,  
15 Vital Intel conducts or has conducted business, as well as advertised and promoted its goods and  
16 services, in the State of California and within this judicial district, and the effects of those acts have  
17 been felt in this district. On information and belief, Vital Intel maintains an office in San Francisco,  
18 California and certain key company employees, including but not limited to its Chief Operating  
19 Officer, its Director of Operations, and its Director of Paid Media, are based in, and operate out of, San  
20 Francisco.<sup>1</sup>

21 4. This Court has jurisdiction over this matter pursuant to 15 U.S.C. § 1121 and 28 U.S.C.  
22 §§ 1331, 1332, 1338 and 1367. Intel’s claims are, in part, based on violations of the Lanham Act, as  
23 amended, 15 U.S.C. §§ 1051, *et seq.* The Court has jurisdiction over the state law claims pursuant to  
24 28 U.S.C. §§ 1332, 1338(b), and 1367.

25 5. Venue lies in the Northern District of California pursuant to 28 U.S.C. § 1391.

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27 <sup>1</sup> The LinkedIn page for Vital Intel’s Director of Operations describes Vital Intel as “a data driven marketing and  
28 technology company based in San Francisco.” <https://www.linkedin.com/pub/matt-sussman/1b/a16/659>

**II. INTRADISTRICT ASSIGNMENT**

6. This is an intellectual property action and therefore shall be assigned on a district-wide basis per Civil L.R. 3-2(c).

**III. THE PARTIES**

7. Plaintiff Intel Corporation is a Delaware corporation having its principal place of business at 2200 Mission College Boulevard, Santa Clara, California. Intel offers a wide variety of goods and services, which are sold worldwide and throughout the United States, including in the Northern District of California.

8. On information and belief, Defendant Vital Intel, Inc. is a Delaware corporation with its principal place of business at either 155 Montgomery Street, San Francisco, California, 94104 or 31 East 32<sup>nd</sup> Street, New York, New York, 10016. On information and belief, Vital Intel offers technology solutions for capturing and analyzing consumer data through the creation of lead generation websites and database management solutions, and provides marketing and advertising services based on the data it collects. Vital Intel promotes its goods and services online at [vitalintel.com](http://vitalintel.com). On information and belief, Vital Intel targets potential customers nationwide via its website, including customers in California, and has customers in this State and in this district.

**IV. INTEL'S BUSINESS AND MARKS**

9. Intel is a world-famous company that develops, manufactures and sells a wide variety of computer, communications and Internet-related products and services. Intel's customers include individual consumers, governments, schools and businesses, including business seeking to capture and analyze consumer data to create targeted marketing campaigns.

10. For over forty-five years, Intel has used INTEL as a trade name, trademark and service mark to identify virtually its entire line of products and services. INTEL is one of the most valuable, respected and famous names and trademarks in the world. Indeed, in 2014, the INTEL brand was ranked 12th in the world in Interbrand's Best Global Brands survey, with an estimated value of over \$34 billion. Numerous publications and court and tribunal decisions around the world have recognized the fame and renown of the INTEL mark.

1 11. Intel technology is ubiquitous. Intel creates products and technologies that have  
2 become essential parts of governments, businesses, schools and homes everywhere. Intel's  
3 performance is frequently cited as a bellwether of the business economy both domestically and abroad.

4 12. Intel's products and technology are used in many applications. Intel offers various  
5 hardware and software solutions for helping retailers measure the effectiveness of digital advertising  
6 campaigns and deliver more targeted, engaging brand experiences. For example, INTEL® RCM is a  
7 digital content management solution with audience analytics that connects advertising campaign data  
8 with viewer analytic data to enable retailers to optimize advertising messages and create more targeted  
9 web content. INTEL® processor-based servers also enable retailers to process more data types  
10 gathered from audience analytics and customer relationship management solutions. Relevant  
11 customers therefore associate the INTEL brand with technology solutions and hardware for capturing  
12 and analyzing consumer data to create targeted marketing campaigns.

13 13. Intel uses INTEL as its "house mark" on or in connection with virtually every product  
14 and service it sells. In 2014 alone, Intel sold over \$55 billion of INTEL-branded products and  
15 services.

16 14. Intel is the owner of numerous U.S. trademark registrations for the mark INTEL,  
17 including the following:

18 a. Intel is the owner of U.S. Trademark Registration No. 938,772 issued on July 25,  
19 1972 for the mark INTEL for use in connection with equipment for the testing and programming of  
20 integrated circuits, registers and semiconductor memories. This registration, duly and legally issued by  
21 the United States Patent and Trademark Office, is valid, subsisting and incontestable pursuant to 15  
22 U.S.C. § 1065. Intel uses the notice of registration, "®," with its INTEL mark pursuant to 15 U.S.C.  
23 § 1111. A copy of this registration is attached hereto as Exhibit A.

24 b. Intel is the owner of U.S. Trademark Registration No. 939,641 issued on August 1,  
25 1972 for the mark INTEL for use in connection with integrated circuits, registers and semiconductor  
26 memories. This registration, duly and legally issued by the United States Patent and Trademark  
27 Office, is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of  
28

1 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is  
2 attached hereto as Exhibit B.

3 c. Intel is the owner of U.S. Trademark Registration No. 1,022,563, issued on October  
4 14, 1975, for the mark INTEL for use in connection with microcomputers, microcontrollers and  
5 microprocessors. This registration, duly and legally issued by the United States Patent and Trademark  
6 Office, is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of  
7 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is  
8 attached hereto as Exhibit C.

9 d. Intel is the owner of U.S. Trademark Registration No. 1,723,243, issued on  
10 October 13, 1992, for the mark INTEL for use in connection with metal key rings, note paper, note  
11 cards, posters, pencils, ball point pens, ink pens and stationery folders; plastic key chain tags; mugs  
12 and water bottles sold empty, jigsaw puzzles, golf balls, golf tees and golf ball markers. This  
13 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,  
14 subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,”  
15 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as  
16 Exhibit D.

17 e. Intel is the owner of U.S. Trademark Registration No. 1,725,692, issued on  
18 October 20, 1992, for the mark INTEL for use in connection with, among other things, sports bags,  
19 gym bags, carry-on bags, towels and clothing. This registration, duly and legally issued by the United  
20 States Patent and Trademark Office, is valid, subsisting and incontestable pursuant to 15 U.S.C.  
21 § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111.  
22 A copy of this registration is attached hereto as Exhibit E.

23 f. Intel is the owner of U.S. Trademark Registration No. 2,171,778, issued on July 7,  
24 1998, for the mark INTEL for use in connection with, among other things, computer operating system  
25 software, computer hardware, integrated circuits, integrated circuit chips, microprocessors, printed  
26 circuit boards, video circuit boards, audio-video circuit boards, video graphic accelerators, multimedia  
27 accelerators, video processors and computer hardware and software for the receipt, display and use of  
28 broadcast video, audio and data signals. This registration, duly and legally issued by the United States

1 Patent and Trademark Office, is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel  
2 uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this  
3 registration is attached hereto as Exhibit F.

4 g. Intel is the owner of U.S. Trademark Registration No. 2,194,121 issued on  
5 October 6, 1998, for the mark INTEL for use in connection with, among other things, printed  
6 materials, namely, books, magazines, newsletters, journals, operating manuals, users guides, pamphlets  
7 and brochures about, for use with and directed to users of, computer operating system software;  
8 computer operating programs; computer application software; computer hardware; computer  
9 components; integrated circuits; microprocessors; computer memory devices; video graphic  
10 accelerators; and computer hardware and software for the receipt, display and use of broadcast video,  
11 audio and digital data signals. This registration, duly and legally issued by the United States Patent  
12 and Trademark Office, is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses  
13 the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this  
14 registration is attached hereto as Exhibit G.

15 h. Intel is the owner of U.S. Trademark Registration No. 2,251,962 issued on June 8,  
16 1999, for the mark INTEL for use in connection with clocks, jewelry, key chains, necklaces, trophies  
17 and watches. This registration, duly and legally issued by the United States Patent and Trademark  
18 Office, is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of  
19 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is  
20 attached hereto as Exhibit H.

21 i. Intel is the owner of U.S. Trademark Registration No. 2,251,961 issued on June 8,  
22 1999, for the mark INTEL for use in connection with binders, boxes for pens, tablets, note cards, self-  
23 adhesive pads, desk pads, pens, pencils, folders, paperweights, pen and pencil holders, photograph  
24 stands, erasers, markers, desk sets and desk organizers. This registration, duly and legally issued by  
25 the United States Patent and Trademark Office, is valid, subsisting and incontestable pursuant to 15  
26 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. §  
27 1111. A copy of this registration is attached hereto as Exhibit I.

1 j. Intel is the owner of U.S. Trademark Registration No. 2,250,491 issued on June 1,  
2 1999, for the mark INTEL for use in connection with travel bags, luggage, school bags, back packs,  
3 beach bags, duffel bags and umbrellas. This registration, duly and legally issued by the United States  
4 Patent and Trademark Office, is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel  
5 uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this  
6 registration is attached hereto as Exhibit J.

7 k. Intel is the owner of U.S. Trademark Registration No. 2,254,525 issued on June 15,  
8 1999, for the mark INTEL for use in connection with T-shirts, shirts, jackets, headwear, hats and polo  
9 shirts. This registration, duly and legally issued by the United States Patent and Trademark Office, is  
10 valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration,  
11 “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto  
12 as Exhibit K.

13 l. Intel is the owner of U.S. Trademark Registration No. 2,261,531 issued on July 13,  
14 1999, for the mark INTEL for use in connection with toys, dolls and bean bags. This registration, duly  
15 and legally issued by the United States Patent and Trademark Office, is valid, subsisting and  
16 incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL  
17 mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit L.

18 m. Intel is the owner of U.S. Trademark Registration No. 2,276,580 issued on  
19 September 7, 1999 for the mark INTEL for use in connection with mugs and sports bottles. This  
20 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,  
21 subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,”  
22 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as  
23 Exhibit M.

24 n. Intel is the owner of U.S. Trademark Registration No. 2,446,693, issued on  
25 April 24, 2001, for the mark INTEL for use in connection with, among other things, computers,  
26 computer hardware, software for use in operating and maintaining computer systems, microprocessors,  
27 integrated circuits, computer chipsets, computer motherboards, computer graphics boards, computer  
28 networking hardware, video apparatus, video circuit boards, and apparatus and equipment for

1 recording, processing, receiving, reproducing, transmitting, modifying, compressing, decompressing,  
2 broadcasting, merging and/or enhancing sound, video images, graphics and data. This registration,  
3 duly and legally issued by the United States Patent and Trademark Office, is valid, subsisting and  
4 incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL  
5 mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit N.

6 o. Intel is the owner of U.S. Trademark Registration No. 2,462,327, issued on June 19,  
7 2001, for the mark INTEL for use in connection with, among other things, computer hardware for use  
8 in imaging and photographic applications and computer software for use in imaging and photographic  
9 applications, namely, organizing and manipulating images and capturing, retrieving, storing and  
10 mailing images via interconnected computer networks. This registration, duly and legally issued by  
11 the United States Patent and Trademark Office, is valid, subsisting and incontestable pursuant to 15  
12 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C.  
13 § 1111. A copy of this registration is attached hereto as Exhibit O.

14 p. Intel is the owner of U.S. Trademark Registration No. 2,585,551, issued on June 25,  
15 2002, for the mark INTEL for use in connection with, among other things, computer hardware  
16 installation and repair services; arranging and conducting educational conferences and seminars in the  
17 fields of computers, telecommunications, and computer networking, and distributing course materials  
18 in connection therewith; development, publishing and dissemination of educational materials in the  
19 fields of computers, telecommunications and computer networking for others; interactive and non-  
20 interactive computer education training services; providing information via global computer network  
21 in the fields of education; provision of interactive and non-interactive electronic information services  
22 on a wide variety of topics; development of local and wide area computer networks for others;  
23 development of computer hardware and software for the receipt, display and use of broadcast video,  
24 audio and digital data signals for others; computer software design for others; computer programming  
25 services; providing on-line newspapers, magazines, instructional manuals in the fields of technology,  
26 education and business; and development, maintenance, and provision of interactive and non-  
27 interactive electronic bulletin boards services in the field of education. This registration, duly and  
28 legally issued by the United States Patent and Trademark Office, is valid, subsisting and incontestable



1 pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant  
2 to 15 U.S.C. § 1111. A copy of this registration is attached hereto as Exhibit P.

3 q. Intel is the owner of U.S. Trademark Registration No. 2,742,174, issued on July 29,  
4 2003, for the mark INTEL for use in connection with, among other things, repair, maintenance, support  
5 and consulting services for computer-related and communications-related goods; providing  
6 information in the field of computer technology via the global computer network; providing on-line  
7 publications, namely, books, brochures, white papers, catalogs and pamphlets in the fields of computer  
8 and information technology; and designing and developing standards for others in the design and  
9 implementation of computer software, computer hardware and telecommunications equipment. This  
10 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,  
11 subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,”  
12 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as  
13 Exhibit Q.

14 r. Intel is the owner of U.S. Trademark Registration No. 3,029,954, issued on  
15 December 13, 2005, for the mark INTEL for use in connection with, among other things, internet and  
16 web servers; internet and web caching servers; wireless and remote computer peripherals; computer  
17 hardware and software for enabling web portals; computer hardware and software for digital  
18 encryption, identification and certification; computer hardware and software to enable remote  
19 encrypted networking; computer hardware and software to enable secure data transmission via  
20 networks, the internet and world wide web; internet and web data services, namely, digital  
21 identification and certification services; and application service provider services, namely, hosting  
22 computer software applications of others. This registration, duly and legally issued by the United  
23 States Patent and Trademark Office, is valid, subsisting and incontestable pursuant to 15 U.S.C.  
24 § 1065. Intel uses the notice of registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111.  
25 A copy of this registration is attached hereto as Exhibit R.

26 s. Intel is the owner of U.S. Trademark Registration No. 3,136,102, issued on August  
27 29, 2006, for the mark INTEL for use in connection with telecommunication services, namely,  
28 electronic and digital transmission of data, documents, audio and video via computer terminals. This

1 registration, duly and legally issued by the United States Patent and Trademark Office, is valid,  
2 subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of registration, “®,”  
3 with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is attached hereto as  
4 Exhibit S.

5 t. Intel is the owner of U.S. Trademark Registration No. 3,173,391, issued on  
6 November 21, 2006, for the mark INTEL for use in connection with telecommunications consulting  
7 services. This registration, duly and legally issued by the United States Patent and Trademark Office,  
8 is valid, subsisting and incontestable pursuant to 15 U.S.C. § 1065. Intel uses the notice of  
9 registration, “®,” with its INTEL mark pursuant to 15 U.S.C. § 1111. A copy of this registration is  
10 attached hereto as Exhibit T.

11 15. In addition to using INTEL as a trade name, a trademark, and a service mark, Intel also  
12 owns a large family of marks that incorporate INTEL as a prominent component of the mark. For  
13 example, in 1991, Intel developed and launched a cooperative advertising and licensing program  
14 referred to as the “Intel Inside® Program.” As part of this program, Intel licenses the INTEL INSIDE  
15 mark to PC manufacturers to communicate to the end customer that the manufacturers’ products, such  
16 as personal desktop computers, laptop computers, servers, and workstations, were designed with  
17 genuine Intel microprocessors. Among Intel’s many thousands of OEM (“Original Equipment  
18 Manufacturers”) licensees worldwide are giants of the computer industry such as Dell, Lenovo,  
19 Hewlett-Packard, IBM, and Sony. Intel’s OEM licensees have sold many billions of dollars worth of  
20 computer products bearing the INTEL INSIDE marks. The combined advertising expenditure by Intel  
21 and Intel’s licensees under the INTEL mark has averaged over one billion dollars for each of the last  
22 few years. Through extensive advertising and promotion by Intel and its licensees, advertisements  
23 reflecting the INTEL INSIDE mark have most likely created billions of impressions. The INTEL  
24 INSIDE program is cited as one of the pre-eminent advertising campaigns.

25 16. Intel is the owner of numerous U.S. trademark registrations for the INTEL INSIDE  
26 mark, including Reg. No. 1,705,796 and Reg. No. 2,179,209. Copies of these registrations are attached  
27 hereto as Exhibits U and V.  
28

1 17. Intel owns and has used many other U.S. trademark registrations for its family of INTEL  
2 formative marks. These include: INTEL CORE, INTEL VPRO, INTEL ATOM, INTEL APPUP,  
3 INTEL INTRU, INTEL XSCALE, INTEL COFLUENT, and INTEL IRIS. Copies of these  
4 registrations are attached hereto as Exhibits W through EE.

5 18. Intel is also the owner of a California trademark registration for the mark INTEL (CA  
6 Reg. No. 114722). A copy of this registration is attached hereto as Exhibit FF.

7 19. Through its extensive use, Intel also owns common law trademark rights in INTEL and  
8 its family of INTEL formative marks, for all of the goods and services and activities identified herein.

9 20. Intel maintains an online presence at intel.com. Intel uses its trade name and trademark  
10 as a web address in order to make it easy for customers to locate Intel's website, and to identify that  
11 the website is owned by Intel.

12 21. Intel's website features the INTEL marks and many other INTEL composite marks.

13 22. As a consequence of the extensive sales, advertising, promotion, and use of the INTEL,  
14 INTEL INSIDE, and INTEL formative trademarks, Intel has developed enormous recognition for its  
15 products and services under the INTEL mark and has acquired and enjoys an immensely valuable  
16 reputation and tremendous goodwill under the mark. The INTEL mark is world renowned, and is a  
17 "famous" mark for purposes of 15 U.S.C. § 1125(c)(1).

18 **V. VITAL INTEL'S BUSINESS**

19 23. Intel is informed and believes that Vital Intel offers technology solutions for capturing  
20 and analyzing consumer data through the creation of lead generation websites and database  
21 management solutions, and provides marketing and advertising services based on the data it collects.  
22 Intel is informed and believes that Vital Intel offers and provides its goods and services to consumers  
23 in the State of California.

24 24. The VITAL INTEL trade name and the VITAL INTEL trademark wholly incorporate  
25 and emphasize the INTEL trademark, adding only "VITAL," a laudatory term. Specifically, the  
26 Defendant uses the term "VITAL" to try to describe the nature or value of the products and services  
27 Vital Intel provides to its consumers. Vital Intel further emphasizes the INTEL element of its marks  
28 through selective use of capitalization and coloration, and separates the "VITAL" and "INTEL"

1 portions of the name and trademark with a space, such that the INTEL mark prominently stands on its  
2 own.

3 25. For the last twelve months, Intel has attempted tirelessly to amicably resolve this  
4 matter. Despite Intel's numerous attempts to resolve the dispute without judicial intervention,  
5 Defendant has refused to take this matter seriously and engage in a substantive dialogue with Intel.  
6 Defendant last assured Intel it would promptly follow up more than two months ago yet it has once  
7 again failed to respond, exhausting Intel's patience. Vital Intel has persisted in using the VITAL  
8 INTEL trade name and the VITAL INTEL trademark, with its actions leaving Intel no choice but to  
9 file this Complaint.

10  
11 **FIRST CAUSE OF ACTION**  
12 **TRADEMARK INFRINGEMENT**  
**(15 U.S.C. § 1114)**

13 26. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs  
14 1 through 25 of this Complaint.

15 27. Upon information and belief, Vital Intel was aware of Intel's business and its INTEL  
16 mark prior to the adoption and use of the VITAL INTEL trade name and the VITAL INTEL  
17 trademark.

18 28. Vital Intel either had actual notice and knowledge, or had constructive notice, of Intel's  
19 ownership and registrations of the INTEL mark pursuant to 15 U.S.C. § 1072 prior to Vital Intel's  
20 adoption and use of the VITAL INTEL trade name and the VITAL INTEL trademark.

21 29. Vital Intel is using the VITAL INTEL trade name and the VITAL INTEL trademark in  
22 connection with the sale of its products and services without consent, and with knowledge of Intel's  
23 rights.

24 30. Such willful, deliberate, and unauthorized use of the VITAL INTEL trade name and the  
25 VITAL INTEL trademark falsely indicates to consumers that Vital Intel's products and services are in  
26 some manner connected with, sponsored by, affiliated or associated with, or related to Intel, Intel's  
27 licensees, or the goods and services of Intel and Intel's licensees.

1           31.     Such unauthorized use of the VITAL INTEL trade name and the VITAL INTEL  
2 trademark is also likely to cause consumers to be confused as to the source, nature and quality of the  
3 products and services Vital Intel is promoting and selling.

4           32.     Such unauthorized use of the VITAL INTEL trade name and the VITAL INTEL  
5 trademark in connection with the sale of products and services allows, and will continue to allow, Vital  
6 Intel to receive the tremendous benefit of the substantial goodwill established at great labor and  
7 expense by Intel and to gain acceptance of the goods and services of Vital Intel, not based on the  
8 merits of those goods or services, but on Intel's reputation and goodwill.

9           33.     Such unauthorized use of the VITAL INTEL trade name and the VITAL INTEL  
10 trademark in connection with the sale of goods and services deprives Intel of the ability to control the  
11 consumer perception of the quality of the goods and services marketed under the INTEL mark, and  
12 places Intel's valuable reputation and goodwill in the hands of others over which Intel has no control.

13           34.     Vital Intel has caused confusion and is likely to cause further confusion, or to cause  
14 mistake, or to deceive consumers or potential consumers in violation of 15 U.S.C. § 1114.

15           35.     Intel has been, is now, and will be irreparably injured and damaged by such trademark  
16 infringement, and unless enjoined by the Court, Intel will suffer further harm to its name, reputation  
17 and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at law.

18  
19                           **SECOND CAUSE OF ACTION**  
20                           **FALSE DESIGNATION OF ORIGIN**  
21                           **(15 U.S.C. § 1125(A))**

22           36.     Intel realleges and incorporates herein by reference the matters alleged in Paragraphs  
23 1 through 35 of this Complaint.

24           37.     Such unauthorized use of the VITAL INTEL trade name and the VITAL INTEL  
25 trademark falsely suggests that the products and services are connected with, sponsored by, affiliated  
26 with, or related to Intel, and constitutes a false designation of origin in violation of 15 U.S.C.  
27 § 1125(a).

28           38.     Intel has been, is now, and will be irreparably injured and damaged by the  
aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,

1 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at  
2 law.

3 **THIRD CAUSE OF ACTION**  
4 **FEDERAL TRADEMARK DILUTION**  
5 **(15 U.S.C. § 1125(C))**

6 39. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs  
7 1 through 38 of this Complaint.

8 40. The INTEL mark is world-renowned. It is a famous mark that is widely recognized by  
9 consumers, businesses and industry, and that identifies the products and services of Intel in the minds  
10 of consumers.

11 41. The unauthorized use of the VITAL INTEL trade name and the VITAL INTEL  
12 trademark by Vital Intel began after Intel's mark had become famous.

13 42. Such unauthorized use of the VITAL INTEL trade name and the VITAL INTEL  
14 trademark has, and will likely continue to have, an adverse effect upon the value and distinctive quality  
15 of the INTEL mark. Such acts blur and whittle away at the distinctiveness and identity-evoking  
16 quality of the INTEL mark. Such acts have diluted and are likely to continue diluting the famous  
17 INTEL mark in violation of 15 U.S.C. § 1125(c).

18 43. Intel has been, is now, and will be irreparably injured and damaged by the  
19 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,  
20 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at  
21 law.

22 **FOURTH CAUSE OF ACTION**  
23 **INJURY TO BUSINESS REPUTATION AND**  
24 **DILUTION UNDER CALIFORNIA LAW**  
25 **(CAL. BUS. & PROF. CODE § 14247)**

26 44. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs  
27 1 through 43 of this Complaint.

28 45. The unauthorized use of the VITAL INTEL trade name and the VITAL INTEL  
trademark by Vital Intel is likely to injure Intel's business reputation, and has diluted, and/or is likely

1 to dilute, the distinctive quality of the INTEL mark and trade name in violation of the California  
2 Business and Professions Code § 14247.

3 46. Vital Intel willfully intended to trade on Intel's image and reputation and to dilute the  
4 INTEL trademark, acted with reason to know, or was willfully blind as to the consequences of its  
5 actions.

6 47. Such wrongful acts have caused and will continue to cause Intel irreparable harm. Intel  
7 has no adequate remedy at law for such dilution.

8 48. Intel is therefore entitled to a judgment enjoining and restraining Vital Intel from  
9 engaging in further acts of dilution pursuant to California Business and Professions Code § 14247.

10  
11 **FIFTH CAUSE OF ACTION**  
12 **INFRINGEMENT UNDER CALIFORNIA LAW**  
**(CAL. BUS. & PROF. CODE § 14245)**

13 49. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs  
14 1 through 48 of this Complaint.

15 50. The unauthorized use of the VITAL INTEL trade name and the VITAL INTEL  
16 trademark by Vital Intel, in connection with the sale, offering for sale, distribution or advertising of  
17 their products and services, is likely to cause confusion or mistake or to deceive as to the source or  
18 origin of its goods and services in violation of California Business and Professions Code § 14245.

19 51. Upon information and belief, such infringement has been with knowledge of Intel's  
20 rights.

21 52. Intel has been, is now, and will be irreparably injured and damaged by the  
22 aforementioned acts, and unless enjoined by the Court, Intel will suffer further harm to its name,  
23 reputation and goodwill. This harm constitutes an injury for which Intel has no adequate remedy at  
24 law.

25 **SIXTH CAUSE OF ACTION**  
26 **COMMON LAW PASSING OFF**  
**AND UNFAIR COMPETITION**

27 53. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs  
28 1 through 52 of this Complaint.

54. The unauthorized use of the VITAL INTEL trade name and the VITAL INTEL trademark by Vital Intel constitutes passing off and unfair competition of the INTEL mark in violation of the common law of California.

55. Such wrongful acts have caused and will continue to cause Intel irreparable harm. Intel has no adequate remedy at law.

56. Intel is entitled to a judgment enjoining and restraining Vital Intel from engaging in further acts of infringement and unfair competition.

**SEVENTH CAUSE OF ACTION  
UNFAIR COMPETITION  
(CAL. BUS & PROF. CODE § 17200)**

57. Intel realleges and incorporates herein by reference the matters alleged in Paragraphs 1 through 56 of this Complaint.

58. The acts described above constitute unfair competition in violation of California Business and Professional Code § 17200 et seq., as they are likely to deceive the public.

59. The acts of unfair competition have caused and will continue to cause Intel irreparable harm. Intel has no adequate remedy at law for Vital Intel's unfair competition.

60. Intel is entitled to a judgment enjoining and restraining Vital Intel from engaging in further unfair competition.

**PRAYER FOR RELIEF**

WHEREFORE, Intel prays for relief as follows:

1. Entry of an order and judgment requiring that Vital Intel and its agents, servants, employees, owners and representatives, and all other persons, firms or corporations in active concert or participation with it be enjoined and restrained from (a) using in any manner the INTEL mark, or any name, mark or domain name that wholly incorporates the INTEL mark or is confusingly similar to or a colorable imitation of this mark; (b) doing any act or thing calculated or likely to cause confusion or mistake in the minds of members of the public, or prospective customers of Intel's products or services, as to the source of the products or services offered for sale, distributed, or sold, or likely to deceive members of the public, or prospective customers, into believing that there is some connection



1 between Vital Intel and Intel; and (c) committing any acts which will tarnish, blur, or dilute, or will  
2 likely tarnish, blur, or dilute the distinctive quality of the famous INTEL mark;

3 2. A judgment ordering Vital Intel, pursuant to 15 U.S.C. § 1116(a), to file with this Court  
4 and serve upon Intel within thirty (30) days after entry of the injunction, a report in writing under oath  
5 setting forth in detail the manner and form in which they have complied with the injunction, and  
6 ceased all sales of goods and services under the VITAL INTEL trade name and VITAL INTEL  
7 trademark, as set forth above;

8 3. A judgment ordering Vital Intel, pursuant to 15 U.S.C. § 1118, to deliver up for  
9 destruction, or to show proof of said destruction or sufficient modification to eliminate the infringing  
10 matter, all articles, packages, wrappers, products, displays, labels, signs, vehicle displays or signs,  
11 circulars, kits, packaging, letterhead, business cards, promotional items, clothing, literature, sales aids,  
12 receptacles or other matter in the possession, custody, or under the control of Vital Intel or its agents  
13 bearing the trademark INTEL in any manner, or any mark that is confusingly similar to or a colorable  
14 imitation of this mark, including without limitation the VITAL INTEL trade name, and VITAL INTEL  
15 trademark, both alone and in combination with other words or terms;

16 4. A judgment ordering Vital Intel to take all steps necessary to cancel any trademark  
17 application or registration they may have in the U.S. that includes the letter string INTEL;

18 5. A judgment ordering Vital Intel to take all steps necessary to cancel or transfer to  
19 Intel, in Intel's sole discretion, the vitalintel.com domain name, and any other domain name including  
20 the word INTEL in the possession or control of Vital Intel, and to remove all references to INTEL  
21 from all of their other websites, if any;

22 6. A judgment in the amount of Intel's actual damages, the profits of Vital Intel, Intel's  
23 reasonable attorneys' fees and costs of suit, and pre-judgment interest pursuant to 15 U.S.C. § 1117;

24 7. A judgment for enhanced damages under 15 U.S.C. § 1117 and punitive damages under  
25 state law as appropriate; and

26 8. A judgment granting Intel such other and further relief as the Court deems just and  
27 proper.  
28

1 Dated: July 16, 2015

Respectfully submitted,

2 HARVEY SISKIND LLP  
3 IAN K. BOYD  
4 KATE W. MCKNIGHT

5 By /s/ Ian K. Boyd

6 Ian K. Boyd

7 Attorneys for Plaintiff  
8 INTEL CORPORATION  
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**CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

Pursuant to Civil L.R. 3-15, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

Dated: July 16, 2015

Respectfully submitted,

HARVEY SISKIND LLP  
IAN K. BOYD  
KATE W. MCKNIGHT

By /s/ Ian K. Boyd

Ian K. Boyd

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INTEL CORPORATION